

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America)

v.)

CESAR VELAZQUEZ)

Case No: 1:00-cr-290

USM No: 10272-067

Date of Previous Judgment: 05/10/2001

Thomas Thornton

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months is reduced to 215.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35Amended Offense Level: 34Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 292 to 365 monthsAmended Guideline Range: 262 to 327 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

For the reasons set forth in United States v. Spurlock, 2008 U.S. Dist. LEXIS 32700, at *15-16 (M.D. Pa. Apr. 18, 2008), the Court finds that the amendments to the Sentencing Guidelines has the effect of lowering Defendant's applicable guideline range, despite the fact that the guideline range would be determined by the career offender offense level USSG § 4B1.1.

Except as provided above, all provisions of the judgment dated 05/10/2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/17/2008


Judge's signature

Effective Date: 7/28/08
(if different from order date)

Yvette Kane, Chief Judge

Printed name and title